

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDREW DOUGAN,

: Civil No. 1:22-CV-00462

Plaintiff,

:

v.

:

Judge Jennifer P. Wilson

PRIMECARE MEDICAL, INC., *et al.*,

:

Defendants.

:

Magistrate Judge Susan Schwab

ORDER

Before the court is the report and recommendation of United States Magistrate Judge Susan Schwab recommending that Defendant PrimeCare Medical's motion to dismiss, Doc. 37, be granted. (Doc. 46.) Judge Schwab also recommends that the County Defendants' motion to dismiss, Doc. 39, be granted in part and denied in part. (*Id.*)

The County Defendants' objection merely restates and reargues the issues that Judge Schwab already considered and rejected in the report and recommendation. Since mere disagreement with the report and recommendation is not a basis to decline to adopt the report and recommendation, the court construes the County Defendants' objections as general objections.

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de

novo determination of a magistrate's findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report." *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court's review is limited "to ascertaining whether there is 'clear error' or 'manifest injustice'" on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Schwab's report and recommendation and finds no clear error or manifest injustice on the face of the record. Indeed, Judge Schwab's analysis is well reasoned and fully supported by the record and applicable law. The fact that the County Defendants disagree with the outcome of this analysis is not a basis to decline to adopt the report and recommendation.

Accordingly, **IT IS ORDERED THAT:**

1. The report and recommendation issued by United States Magistrate Judge Susan Schwab, Doc. 46, is **ADOPTED** in its entirety.
2. Defendant PrimeCare Medical's motion to dismiss, Doc. 37, is **GRANTED**.
3. The County Defendants' general objections, Doc. 48, are **OVERRULED**.
4. The County Defendants' motion to dismiss, Doc. 39, is **DENIED** as to the Eighth Amendment claim against Defendant Forshay based on

the July 2022 practice meal procedure. The County Defendants' motion to dismiss, Doc. 39, is **GRANTED** in all other respects.

5. All claims that have been dismissed are dismissed without prejudice to Plaintiff filing an amended complaint that complies with federal pleading requirements within 45 day of this order.
6. This case is referred to Magistrate Judge Susan Schwab for pretrial management.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: July 5, 2022